

Richmond
Valley
Council



Public Interest Disclosure
Annual Report
2019/2020

Richmond Valley Council

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Background

Under the *Public Interest Disclosures Act 1994* (PID Act), Council is required to report annually on its obligations under the PID Act. The report must be in accordance with the requirements of section 31 of the PID Act and clause 4 of the *Public Interest Disclosures Regulation 2011* (PID Regulations).

This report is for the period 1 July 2019 to 30 June 2020.

Statistical information on Public Interest Disclosures (clause 4(a)-(c) – PID Regulations)

Information, in the detail required by clause 4(2) and (2A) of the PID Regulation, is shown in the following table.

	Made by public officials performing their day to day duties	Under a statutory or other legal obligation	All other PIDs
Number of public officials who made PIDs directly	0	0	0
Number of PIDs received	0	0	0
Of PIDs received, number primarily about:			
• Corrupt conduct	0	0	0
• Maladministration	0	0	0
• Serious and substantial waste	0	0	0
• Government information contravention	0	0	0
• Local government pecuniary interest contravention	0	0	0
Number of PIDs finalised for period: 1 July 2019 – 30 June 2020	0	0	0

Public Interest Disclosures Internal Reporting Policy (clause 4(d) – PID Regulations)

Council reviewed and adopted its Internal Reporting (Public Interest Disclosures) Policy on 19 May 2020.

A copy of Council's Internal Reporting (Public Interest Disclosures) Policy 1.09 is attached as an annexure to this Report.

Staff awareness of Public Interest Disclosures Policy (clause 4(e) – PID Regulations)

During the reporting period, Council undertook the following actions to meet its staff awareness obligations:

- Fraud and corruption training by ICAC delivered to managers and coordinators during 2019/2020 financial year;
- Staff induction training;
- Internal Reporting (Public Interest Disclosures) Policy reviewed and available on Council's staff intranet and on Council's website,
- Posters on noticeboards; and
- Information made available on Council's website.

Annexure

Internal Reporting (Public Interest Disclosures) Policy 1.09

Council Policy



Policy Title:	Internal Reporting (Public Interest Disclosures)
Policy Number:	1.09
Focus Area:	CS1 Leading and Advocating for our Community
Responsibility:	Governance & Risk
Meeting Adopted:	19 May 2020 [Resolution 190520/15]

OBJECTIVE

The purpose of the Internal Reporting Policy is to provide a clear set of guidelines that ensure people are fully informed of their responsibilities in respect to Public Interest Disclosures and the actions that must be followed when a Public Interest Disclosure is made.

This policy establishes an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration, substantial waste of public money, government information contravention and pecuniary interest and other wrongdoings by Council staff and/or Councillors.

The system enables such internal disclosures to be made to the Mayor, General Manager or to the Disclosures Coordinator and Disclosures Officers.

Public Interest Disclosures can play an important role in organisational accountability by bringing wrongdoing to the attention of those who can effect change. The protection of reporters is fundamental to the implementation of the *Public Interest Disclosures Act 1994* (PID Act) and the integrity of Council. Council's wide commitment to protect and respect reporters and properly deal with valid disclosures is essential.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to continue to raise appropriate matters at any time with their supervisor, but as an alternative, have the option of making a public interest disclosure in accordance with this policy and the PID Act.

SCOPE

This Policy applies to:

- Council staff and Councillors;
- permanent employees, whether full-time or casual;
- temporary or casual employees;
- consultants;
- individual contractors working for Council;
- other people who perform public official functions and their conduct and activities could be investigated by an investigating authority, which can include volunteers and those contracted to work for Council.

This policy is just one of Richmond Valley Council's policies and internal reporting procedures which encourage and support reports of suspected wrongdoing. Staff and Councillors should also be familiar with the Council policies and procedures that set out the standards of conduct and behaviours expected in carrying out their duties.

The relevant documents are:

- Richmond Valley Council Code of Conduct – Councillors/Personnel
- Complaints Management and Mandatory Reporting Policy
- Business Ethics Policy
- Councillor Access to Information Policy
- Fraud Prevention Policy
- Equal Employment Opportunity (EEO) Policy
- Equal Employment Opportunity (EEO) Management Plan
- Bullying, Harassment and Sexual Harassment Policy.

The reporting system established under this policy is not intended to be used for staff grievances. Grievances should be raised in accordance with the current Local Government (State) Award and Council's Issue Resolution Guidelines Procedure.

POLICY

1. Council Commitment

Council is committed to maintaining the highest level of community accountability, community stewardship and leadership whilst maintaining respect for individuals and the rule of law.

For a council to be able to deal effectively with reports of wrongdoing, it must have the right culture. Richmond Valley Council is committed to the aims and objectives of the PID Act, particularly:

- creating a climate of trust, where people are comfortable and confident about reporting wrongdoing;
- encouraging people to come forward if they are aware of wrongdoing within the council;
- keeping the identity of the person disclosing wrongdoing confidential where this is possible and appropriate;
- protecting people who make disclosures from adverse reprisals arising from their report;
- dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it;
- keeping the person who makes a report informed of their progress and the outcome;
- encouraging the reporting of wrongdoing within the council, but respecting any decision to disclose wrongdoing outside the council that is made in accordance with the provisions of the PID Act;
- ensuring managers and supervisors at all levels in the Council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing;
- reviewing the policy periodically to ensure it is relevant and effective; and
- providing adequate resources, both human and financial, to encourage and support reports of wrongdoing.

2. Roles and Responsibilities

This Internal Reporting Policy places responsibilities upon staff at all levels within Richmond Valley Council.

(i) Role of Staff and Councillors

Staff and councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All council staff and councillors are obliged to:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing;
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality;
- treat staff or persons dealing with a report of wrongdoing with courtesy and respect; and
- respect the rights of any person the subject of reports.

Staff and councillors must not:

- make false or misleading reports of wrongdoing; or
- victimise or harass anyone who has made a report.

All council staff and councillors involved in the internal reporting process must adhere to the Richmond Valley Council Code of Conduct. A breach of the Code could result in disciplinary action.

(ii) Role of Richmond Valley Council

Richmond Valley Council has a responsibility to:

- establish and maintain a working environment that encourages staff and councillors to report wrongdoing and supports them when they do;
- to keep the identity of reporters confidential where practical and appropriate, and take steps to protect reporters from reprisal and manage workplace conflict;
- assess all reports of wrongdoing from staff and councillors and deal with them appropriately;
- decide whether a report should be investigated, and if so, how it should be investigated and by whom;
- deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report;
- report on our obligations under the PID Act and statistical information about public interest disclosures in our annual report and to the NSW Ombudsman every six months;
- ensure Richmond Valley Council complies with the PID Act and deals with all reports of wrongdoing properly; and
- ensure that all staff and councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

(iii) Roles of key positions

Disclosures Coordinator

This Officer will:

- provide an alternative internal reporting channel to the General Manager;
- impartially assess each disclosure to determine whether the disclosure appears to be a protected disclosure, and the appropriate course of action in relation to a disclosure;
- consult with the General Manager about all disclosures received, other than where a disclosure concerns the General Manager;
- be responsible for either the carrying out or coordinating an internal investigation arising out of a disclosure, subject to the relevant directions of the General Manager;
- ensure that the identity of a person making a disclosure is kept confidential and protecting them from any form of reprisal; and
- report actual or suspected corrupt conduct to the General Manager in a timely manner for compliance with legislative requirements.

Disclosures Officer

Disclosures Officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing and assist staff and councillors to make reports.

Disclosure Officers have a responsibility to:

- document in writing any reports received verbally, and have the document signed and dated by the reporter;
- make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary, away from the workplace;
- discuss with the reporter any concerns they may have about reprisal or workplace conflict; and
- carry out preliminary assessment and forward the report to the Disclosures Coordinator or General Manager for full assessment.

General Manager

Disclosures may be made directly to the General Manager rather than by way of the internal reporting system. The General Manager will:

- impartially assess each disclosure to determine whether the disclosure appears to be a protected disclosure under the PID Act, and determine the appropriate course of action in relation to a disclosure;
- receive reports from the Disclosures Coordinator on the recommendations of investigation reports and determine what action should be taken;
- be responsible for implementing organisational reform emanating from an investigational report;
- have primary responsibility for ensuring that the identity of a person making a disclosure is kept confidential and protecting them from any form of reprisal; and
- report actual or suspected corrupt conduct in a timely manner for compliance with legislative requirements.

The Mayor

The Mayor may receive internal disclosures from any member of staff of the council or any councillor concerning the General Manager or a councillor.

The Mayor will:

- impartially assess each disclosure made to them about the General Manager or a councillor to determine whether the disclosure appears to be a public interest disclosure and the appropriate course of action in relation to a disclosure;
- refer disclosures to the General Manager for appropriate action if they concern the council administration, within the day to day responsibilities of the General Manager; and
- take all responsibility to ensure that the identity of a person making a disclosure is kept confidential and protecting them from any form of reprisal.

Managers and Supervisors

Managers and supervisors play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. The responsibilities of all managers and supervisors include:

- participating in establishing and maintaining a culture that encourages staff to report wrongdoing;
- supporting staff who report wrongdoing;
- advising staff who raise a concern or report a wrongdoing that may be a Protected Disclosure to raise the matter with a person authorised to receive Protected Disclosures;
- keeping the identity of the staff member lodging a report and anyone the subject of the report confidential or reporting to the Disclosures Coordinator if they believe that it is not possible or appropriate; and
- provide support to the staff member, including ensuring they have access to any necessary professional support.

3. What should be reported?

You should report any wrongdoing you see within Richmond Valley Council, or any activities or incidents you see within Richmond Valley Council that you believe are wrong.

There are 5 categories of serious misconduct that meet the criteria of a public interest disclosure that will be dealt with under the PID Act and according to this internal reporting policy:

- corrupt conduct
- maladministration
- serious and substantial waste of public money
- breach of the *Government Information (Public Access) Act 2009* (GIPA Act)
- local government pecuniary interest contravention

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the relevant policies. This might include harassment, unlawful discrimination or practices that endanger the health or safety of staff or the public.

Even if these reports are not dealt with as public interest disclosures, Richmond Valley Council recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

A disclosure must be more than a mere allegation made without substantiation. A disclosure must include evidence that if substantiated would amount to the alleged conduct, or at least tend to do so.

Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others;
- acting dishonestly or unfairly, or breaching public trust; or
- a council official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust.

Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful; or
- refusing to grant an approval for reasons that are not related to the merits of their application.

Serious and substantial waste of public money

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.

For example, this could include:

- not following a competitive tendering process for a large-scale contract; or
- having bad or no processes in place for a system involving large amounts of public funds.

Breach of the GIPA Act

A breach of the GIPA Act is a failure to properly fulfil functions under that Act.

For example, this could include:

- destroying, concealing or altering records to prevent them from being released;
- knowingly making decisions that are contrary to the legislation; or
- directing another person to make a decision that is contrary to the legislation.

Local government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interest returns, disclose pecuniary interests at council and council committee meetings and leave the meeting while the matter is being discussed. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior council staff member recommending a family member for a council contract and not declaring the relationship; or
- a councillor participating in consideration of a development assessment for a property they or their family have an interest in.

4. When will a report be treated as a public interest disclosure (i.e. a protected disclosure)?

Richmond Valley Council will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

- the report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention;
- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing;
- the report has to be made to either the General Manager or, for reports about the General Manager, the Mayor, a position nominated in this policy, an investigating authority or in limited circumstances to a Member of Parliament or journalist.

Reports by staff are not public interest disclosures if they:

- are based on questioning the merits of government policy; or
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

5. Who can receive a report within Richmond Valley Council?

Staff are encouraged to report general wrongdoing to their supervisor. However, the PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this policy or any supporting procedures.

The following positions are the only people within Richmond Valley Council who are authorised to receive a public interest disclosure. Any supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities.

If your report involves a councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Mayor.

General Manager

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- deciding if a report is a protected disclosure;
- determining what needs to be done next, including referring it to other authorities; and
- deciding what needs to be done to correct the problem that has been identified.

The General Manager must make sure there are systems in place in Richmond Valley Council to support and protect staff who report wrongdoing.

The General Manager is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC).

The General Manager can be contacted as follows:

- Meetings (at Council or another venue) – any time by arrangement
- Phone – 02 6660 0300
- Mail – in sealed envelope marked “General Manager – Strictly Confidential” hand delivered or posted to Locked Bag 10 CASINO NSW 2470.

Mayor (for reports about the General Manager only)

If you are making a report about the General Manager, you should make your report to the Mayor. They are responsible for:

- deciding if a report is a protected disclosure;
- determining what needs to be done next, including referring it to the authorities; and
- deciding what needs to be done to correct the problem that has been identified.

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The Mayor can be contacted as follows:

- Meetings (at Council or another venue) – any time by arrangement
- Phone – mobile number listed on Council’s website
- Mail – in sealed envelope marked “Mayor – Strictly Confidential” hand delivered or posted to Locked Bag 10 CASINO NSW 2470.

Disclosures Coordinator

Richmond Valley Council’s Disclosures Coordinator is the Chief Financial Officer/ Manager Mid-Richmond.

The Disclosures Coordinator has a central role in dealing with reports made by staff by receiving and assessing reports; and referring the report to the people within Richmond Valley Council who can deal with them appropriately.

The Disclosures Coordinator can be contacted as follows:

- Meetings (at Council or another venue) – any time by arrangement
- Phone – 02 6660 0300
- Mail – in sealed envelope marked “Chief Financial Officer/ Manager Mid-Richmond – Strictly Confidential” hand delivered or posted to Locked Bag 10 CASINO NSW 2470.

Disclosures Officers

Richmond Valley Council’s Disclosures Officers are:

- Director Infrastructure and Environment
- Manager People and Culture

Disclosures Officers work with the Disclosures Coordinator and forward all reports to the Disclosures Coordinator for assessment. Disclosures Officers are responsible for receiving and forwarding reports made in accordance with this policy.

Disclosures Officers can be contacted as follows:

- Meetings (at council or another venue) – any time by arrangement
- Phone – As per Council’s internal phone lists
- Mail – in sealed envelope marked attention to the relevant officer and “Strictly Confidential” hand delivered or posted to Locked Bag 10 CASINO NSW Casino 2470.

6. Who can receive a report outside Richmond Valley Council?

Staff and councillors are encouraged to report wrongdoing within Richmond Valley Council but internal reporting is not your only option. You can also make a public interest disclosure to:

- An investigating authority;
- A Member of Parliament or a journalist, but only in the limited circumstances outlined below.

Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff and councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. The relevant investigating authorities for Richmond Valley Council are:

- the Independent Commission Against Corruption (ICAC) — for reports about corrupt conduct;
- the Ombudsman — for reports about maladministration;
- the Information Commissioner — for disclosures about a breach of the GIPA Act;
- the Office of Local Government— for disclosures about local councils.

You should contact the relevant investigating authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that it is likely that the investigating authority will discuss the case with Richmond Valley Council. Council will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff or councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

Members of Parliament or journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager;
- a person nominated in this policy; or
- an investigating authority.

Also, Richmond Valley Council or the investigating authority that received your initial report must have either:

- decided not to investigate the matter;
- decided to investigate the matter, but not completed the investigation within six months of the original report;
- investigated the matter but not recommended any action as a result; or
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

Other external reporting

If you report wrongdoing to a person or authority that is not listed above or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or Richmond Valley Council's Code of Conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside the Richmond Valley Council, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

7. How to make a report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation. Richmond Valley Council's Internal Reporting Form (included as an appendix to this policy) is also available for staff or councillors to use to make a report.

If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The reporter should keep a copy of this record.

8. Can a report be anonymous?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Richmond Valley Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.

It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If we do not know who made the report, it is very difficult for us to prevent any reprisal should others identify you.

9. Feedback to staff who report wrongdoing

Staff and councillors who report wrongdoing will be told what is happening in response to their report.

Acknowledgement

When you make a report, Richmond Valley Council will contact you to confirm that your report has been received and to advise:

- the timeframe within which you will receive further updates; and
- the name and contact details of the people who can tell you what is happening or handle any concerns you may have.

After a decision is made about how your report will be dealt with, Richmond Valley Council will send you an acknowledgment letter, providing:

- information about the action that will be taken in response to your report;
- the likely timeframes for any investigation or other action; and
- information about the internal and external resources or services available that you can access for support.

We will provide this information to you within ten working days from the date you make your report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act. Please note, if you make a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgement letter or a copy of this policy.

Progress updates

While your report is being dealt with, such as by investigation or making other enquiries, you will be given:

- information about the progress of the investigation or other enquiries and reasons for any delay;
- advice of any decision by Richmond Valley Council not to proceed with the matter; and
- advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.

Feedback

Once the matter has been finalised you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified; and
- advice about whether you are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.

10. Confidentiality

Richmond Valley Council realises reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.

Where possible and appropriate we will take steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.

If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the Disclosures Coordinator and the General Manager, or in the case of a report about the General Manager, the Disclosures Coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.

Any staff or councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

11. Managing the risk of reprisal and workplace conflict

When a staff member or councillor reports wrongdoing, Richmond Valley Council will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, Richmond Valley Council may:

- relocate the reporter or the staff member who is the subject of the allegation within the current workplace;
- transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified; or
- grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

These courses of action are not punishment and will only be taken in consultation with the reporter.

12. Protection against reprisals

Richmond Valley Council will not tolerate any reprisal against staff or councillors who report wrongdoing or are believed to have reported wrongdoing.

The PID Act provides protection for staff and councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss;
- intimidation or harassment;
- discrimination, disadvantage or adverse treatment in relation to employment;
- dismissal from, or prejudice in, employment; or
- disciplinary proceedings.

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of the Council's Code of Conduct which may result in disciplinary action. In the case of councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

It is important for staff and councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where Richmond Valley Council has reasonable grounds to take such action.

Responding to allegations of reprisal

If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately. In the case of an allegation of reprisal by the General Manager, you can alternatively report this to the Mayor.

All supervisors must notify the disclosures coordinator or the General Manager if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the General Manager, the Mayor can alternatively be notified.

If Richmond Valley Council becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, Council will:

- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue;
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff;
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter;
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure;
- refer any breach of Part 8 of the Council's Code of Conduct (reprisal action) by a councillor or the General Manager to the Office of Local Government;
- refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.

If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the Office of Local Government, the Ombudsman or the ICAC (depending on the type of wrongdoing you reported). Contact details for these investigating authorities are included at the end of this policy.

Protection against legal action

If you make a public interest disclosure in accordance with the PID Act, you will not be subject to any liability, and no action, claim or demand can be taken against you for having made the public interest disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

13. Support for those reporting wrongdoing

Richmond Valley Council will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to Council's Employee Assistance Program (EAP).

Access to Council's EAP may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the Disclosures Coordinator.

14. Sanctions for making false or misleading statements

It is important all staff and councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. Richmond Valley Council will not support staff or councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the code of conduct resulting in disciplinary action. In the case of councillors, disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

15. The rights of persons the subject of a report

Richmond Valley Council is committed to ensuring staff or councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time, you will be:

- advised of the details of the allegation;
- advised of your rights and obligations under the relevant related policies and procedures;
- kept informed about the progress of any investigation;
- given a reasonable opportunity to respond to any allegation made against you;
- told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.

Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Richmond Valley Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

16. More information

More information around public interest disclosures is available on our intranet. Staff can also seek advice and guidance from the Disclosures Coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

RESOURCES

<p>For disclosures about corrupt conduct: Independent Commission Against Corruption (ICAC) Phone: (02) 8281 5999 Toll free: 1800 463 909 Fax: (02) 9264 5364 TTY: (02) 8281 5773 Email: icac@icac.nsw.gov.au Web: www.icac.nsw.gov.au Address: Level 7, 255 Elizabeth Street, Sydney NSW 2000 Postal: GPO Box 500, Sydney, New South Wales, 2001</p>	<p>For disclosures about maladministration: NSW Ombudsman Phone: (02) 9286 1000 Toll free (outside Sydney metro): 1800 451 524 Tel. typewriter (TTY): (02) 9264 8050 Facsimile: (02) 9283 2911 Email: nswombo@ombo.nsw.gov.au Web: www.ombo.nsw.gov.au Address: Level 24, 580 George Street, Sydney NSW 2000</p>
<p>For disclosures about serious and substantial waste: Audit Office of New South Wales Phone: (02) 9275 7100 Fax: (02) 9275 7200 Email: mail@audit.nsw.gov.au Web: www.audit.nsw.gov.au Address: Level 15, 1 Margaret Street, Sydney NSW 2000 Postal: GPO Box 12, Sydney NSW 2001</p>	<p>For disclosures about serious and substantial waste in local government agencies: Office of Local Government Phone: (02) 4428 4100 Tel. typewriter (RRY): (02) 4428 4209 Facsimile: (02) 4428 4199 Email: olg@olg.nsw.gov.au Web: www.olg.nsw.gov.au Address: 5 O'Keefe Avenue, Nowra, NSW 2541 Postal: Locked Bag 3015, NOWRA NSW 2541</p>
<p>For disclosures about police misconduct: Police Integrity Commission (PIC) Phone: (02) 9321 6700 Toll free: 1800 657 079 Facsimile: (02) 9321 6799 Email: contactus@pic.nsw.gov.au Web: www.pic.nsw.gov.au Address: Level 3, 111 Elizabeth Street, Sydney NSW 2000 Postal: GPO Box 3880, Sydney NSW 2001</p>	<p>For disclosures about breaches of the GIPA Act: Information and Privacy Commissioner Toll free: 1800 472 679 Facsimile: (02) 8114 3756 Email: ipcinfo@ipc.nsw.gov.au Web: www.ipc.nsw.gov.au Address: Level 11, 1 Castlereagh Street, Sydney NSW 2000 Postal: GPO Box 7011, Sydney NSW 2001</p>

REFERENCES

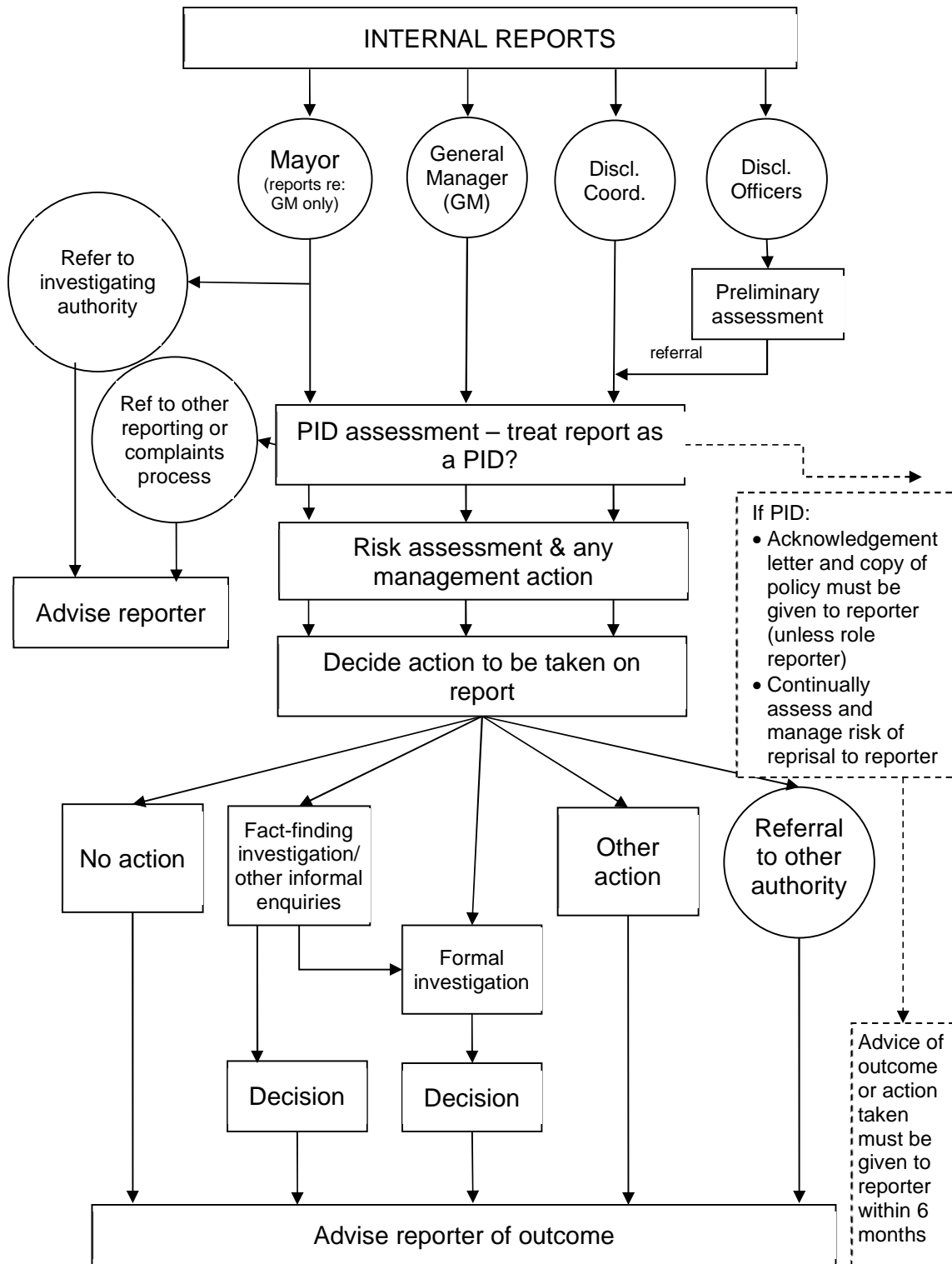
Bullying, Harassment & Sexual Harassment Policy (Richmond Valley Council)
 Business Ethics Policy (Richmond Valley Council)
 Code of Conduct – Councillors/Personnel (Richmond Valley Council)
 Complaints Management & Mandatory Reporting Policy (Richmond Valley Council)
 Councillor Access to Information Policy (Richmond Valley Council)
 Equal Employment Opportunity Policy & Management Plan (Richmond Valley Council)
 Fraud Prevention Policy (Richmond Valley Council)
Government Information (Public Access) Act 2009
 Issue Resolution Guidelines Policy (Richmond Valley Council)
Local Government Act 1993
 Local Government (State) Award
Public Interest Disclosures Act 1994

REVIEW

This policy will be reviewed by Council at the time of any relevant legislative changes, compliance requirements or at least every four years.

Version Number	Date	Reason / Comments
1	02/2006	New policy
2	10/2011	Review
3	12/2015	Review
4	05/2020	Review & rename

FLOWCHART OF INTERNAL REPORTING PROCESS



RICHMOND VALLEY COUNCIL
PUBLIC INTEREST DISCLOSURES APPLICATION

Date: _____

Details of Disclosure:

Signature of applicant: _____

Signature of receiver: _____

Action taken:
(including discussions/referral of matter) _____

Result of action:
(including advice of action to applicant) _____

Notice/knowledge of any detrimental action: _____

Signature of Mayor / General Manager / Disclosures Coordinator / Disclosures Officer:

_____ **Date:** _____